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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: CASE No. 17-30501 DM

BRUGNARA PROPERTIES, VI, CHAPTER 11

Debtor. / MOTION FOR ORDER RELIEVING
COUNSEL; DECLARATION OF
DAVID N. CHANDLER
Date: July 7, 2017
Time: 10:00 a.m.
Place: 450 Golden Gate Ave.,
16th Fl., Ctrm. 17
San Francisco, CA

TO: HONORABLE DENNIS MONTALI, UNITED STATES BANKRUPTCY JUDGE:
David N. Chandler, p.c., and David N. Chandler, general
counsel for the Debtor herein hereby moves the above entitled Court
for an Order Relieving David N. Chandler, p.c. and David N.
Chandler as counsel for Debtor herein.

Said Motion is made on the grounds that (1) the managing
member of the Debtor has discharged David N. Chandler, p.c. in
writing and has failed to obtain substitute counsel, (2) the
managing member of the Debtor herein has failed to respond and
fulfill obligations pursuant to OUST Guidelines of the Debtor in
Possession, (3) failed to cooperate in obtaining qualification of

1 counsel, and (4) communicated matters to counsel which prevent
2 representation.

3 Said Motion is made and based hereon, on the Declaration of
4 David N. Chandler appended hereto.

5 Dated: June 16, 2017 DAVID N. CHANDLER, p.c.

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7 By: /s/ David N. Chandler
8 David N. Chandler
9 Attorney for Debtor

10 DECLARATION OF DAVID N. CHANDLER

11 I, David N. Chandler, declare and say:

12 1. That if called as a witness, I am competent to testify to
13 the within matters from my own knowledge.

14 2. Kay Brugnara is the managing member of the Debtor herein.

15 3. Ms. Brugnara discharged me by email dated June 3, 2017
16 and advised me that she had made other arrangements for counsel and
17 directed me to forward the unapplied retainer.

18 4. Schedules and Statement of Affairs were due June 5, 2017.

19 Ms. Brugnara was made aware that the substitution did not extend
20 the time to file or any other time deadlines in the case. Our
21 office moved for additional time to file which was granted. The
22 Schedules and Statement of Affairs are now due June 19, 2017.

23 5. Ms. Brugnara was to have the Substitution of Attorneys in
24 my office no later than Monday, June 12, 2017.

25 6. It is our practice to meet with a client in the office to
26 review Schedules and SOFA in detail before execution and filing and
27 to review and execute an employment application at the same time.

1 As a consequence, I have been unable to obtain an executed
2 employment application. After having been discharged, it would be
3 inappropriate for me to submit such an application without consent
4 and understanding of the client as to the effect of submission of
5 same.

6 7. The managing member has indicated that it would be too
7 far for her to come to my office to review documents for signature
8 and based thereon, as well as other factors, she had discharged our
9 office.

10 8. In reiterating the reasons for discharge, Ms. Brugnara
11 had stated matters to me which are contrary to my confidence that
12 I am ethically able to represent the Debtor in Possession.

13 9. I continue to hold the balance of the unapplied retainer
14 in trust for the estate. We have prepared draft documents for
15 filing which I will provide as directed by the Court.

16 10. It is my opinion that it is not possible for me to be re-
17 engaged by the Debtor in Possession based upon the Rules of
18 Professional Conduct. It is my opinion that I have been discharged
19 from the matters for which I accepted engagement and am unable and
20 unwilling to accept new engagement.

21 11. I am attorney of record in the matter pending before the
22 Court and wish to be relieved as counsel. Ms. Brugnara is aware of
23 the fact that a limited liability company or corporation must be
24 represented by an attorney and was aware of that prior to her
25 discharging me. Ethically, I can take no action on behalf of the
26 estate or Debtor in Possession after having been discharged except
27 that which is required to prevent harm to the estate. Action taken

1 from and after having been discharged was taken to prevent harm.

2 Executed under penalty of perjury this 16th day of June, 2017

3 at Santa Rosa, California.

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5 /s/*David N. Chandler*

6 David N. Chandler

7 Attorney for Debtor

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